

PARTIES

5. Plaintiff is a natural person who resides in Sandusky, Erie County, Ohio.
6. Defendant is a business entity with its principal place of business in Williamsburg, Virginia.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. Since 2015, Defendant has been placing collection calls to Plaintiff seeking and attempting to collect an alleged debt.
9. Plaintiff's alleged debt arose through a consumer credit transaction.
10. Defendant places collection calls to Plaintiff's cellular telephone at phone number (419) 370-84XX.
11. Based upon the timing and frequency of Defendant's calls and per its prior business practices, Defendant's calls were placed with an automated dialing system ("auto-dialer").
12. On or around July 16, 2015 at approximately 11:58 a.m., Plaintiff spoke with Defendant's representative "Alyssa", and requested that Defendant cease placing calls to her cellular telephone.
13. Plaintiff revoked any consent, express, implied or otherwise, to receive automated collection calls from Defendant in the course of the telephone conversation on or around July 16, 2015.
14. Despite Plaintiff's request to cease, Defendant continued to place multiple collection calls to Plaintiff.

15. Defendant placed at least sixty (60) automated collection calls to Plaintiff without prior express consent to do so.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

16. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
17. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

18. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
19. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
20. All court costs, witness fees and other fees incurred; and
21. Any other relief that this Honorable Court deems appropriate.

October 14, 2015

RESPECTFULLY SUBMITTED,

/s/ David Tannehill

David Tannehill

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DEMAND FOR JURY TRIAL

Plaintiff, CHARON MILLER, requests a jury trial in this case.